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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/941,475	08/29/2001	Nicholas J. Williams	Tyco/Reno-1	6472
7590	09/22/2005		EXAMINER [REDACTED]	KEASEL, ERIC S
C. James Bushman Browning Bushman P.C. 5718 Westheimer, Suite 1800 Houston, TX 77057-5771			ART UNIT [REDACTED]	PAPER NUMBER 3754

DATE MAILED: 09/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/941,475	WILLIAMS ET AL.
Examiner	Art Unit	
Eric Keasel	3754	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 26 April 2005.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-13 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 13 is/are allowed.
- 6) Claim(s) 1-12 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 29 August 2001 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>3</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

## **DETAILED ACTION**

1. The decision (Paper No. 8) withdraws the holding of abandonment and returns the present application to an active status. An action on the merits follows.

### *Information Disclosure Statement*

2. The information disclosure statement filed January 22, 2002 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because there is no date for the other document. It has been placed in the application file, but the non-compliant information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609.05(a).

### *Drawings*

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the first and second radially inwardly projecting, annularly extending lips formed in the first and second annular flange portions of the liner (claim 2) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 2, 3, 11, and 12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2 recites that the radially inwardly projecting, annularly extending lips are formed in the first and second annular flange portions of the liner. However, claim 1 defines the first and second annular flange portions of the liner as projecting outwardly from the first and second

sides of the liner (i.e. the flange portions are not the central portion of the liner with first and second sides) and the drawings (see Fig. 4) disclose the lips as extending from the central portion of the liner and not from (what would appear to be) the flange portions. It is vague and indefinite as to what is meant by the flange portions and whether the lips actually extend from the flange portions when the claims appear to redefine these terms in a manner inconsistent with how they are defined in other claims.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1, 2, 5, 9, and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Mayhew, Jr. (US Patent Number 4,646,407).

Mayhew, Jr. discloses a gate valve, comprising: a polymeric (fluoropolymer) monolithic liner defining a valve element cavity (48), said liner having a first side (immediately to the left of gate 46 in Fig. 1), a second side (immediately to the right of gate 46 in Fig. 1), a first cylindrical flange portion projecting outwardly from said first side, and a second cylindrical flange portion projecting outwardly from said second side (generally where the leader line to ref. no. 80 points), said first and second cylindrical flange portions defining a fluid passageway (80) through said liner transverse to said valve element cavity; a first housing portion (12b and the lower portion surrounding the throughbore) having a first front face, a first back face, and a first throughbore for receiving said first annular flange portion; a second housing portion (12a and the lower

portion surrounding the throughbore) having a second front face, a second back face, and a second throughbore for receiving said second annular flange portion, a liner cavity being formed between the back faces of said first and second housing portions (see Fig. 1 or 3); a first face ring (24), said first face ring including a first cylindrical tubular portion and a first radially outwardly projecting, annularly extending face ring flange, said first tubular portion being received in said first annular flange portion; a second face ring (22), said second face ring including a second cylindrical tubular portion and a second radially outwardly projecting, annularly extending face ring flange, said second tubular portion being received in said second annular flange portion (note, the mold fittings can be read as face rings as there is a cylindrical tubular portion when screw 38 is removed); and a gate valve element (46) slidably received in said valve element cavity; wherein said liner has a first radially inwardly projecting, annularly extending lip formed in said first annular flange portion and a second radially inwardly projecting, annularly extending lip in said second annular flange portion (with the center portion of the liner with first and second sides read as the center portion of the liner from near ref. no. 18 to the gate element the portions immediately to either side are "lips" that inwardly project), said first tubular portion of said first face ring having an axially innermost end, said axially innermost end of said first face ring abutting said first lip, said second tubular portion of said second face ring having an axially innermost end, said axially innermost end of said second face ring abutting said second lip; including a connector assembly connecting said first and second housing portions together (note, the first and second portions are integrally formed and thus connected by a connector assembly); and wherein said first lip is formed adjacent said valve element cavity and said second lip is formed adjacent said valve element cavity.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

9. Claims 1, 2, 4, 5, 7, and 8-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mayhew, Jr. ('407) in view of Mayhew (US Patent Number 4,798,365).

Mayhew, Jr. anticipates claims 1, 2, 5, and 11 as outlined above if broadly interpreted so that the mold cavities read on the face rings. However, these mold cavities are not part of the valve assembly after manufacturing. So, under a more narrow interpretation of the claims, '407 does not anticipate the face rings (with respect to claims 1, 2, 5, and 11). Mayhew ('365) discloses face rings (34) used in a similar gate valve. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have used the face rings of Mayhew ('365) with the manufactured gate valve of Mayhew, Jr. ('407) in order to provide an insert to throttle the flow as taught by Mayhew ('365).

Re claims 4, 7, and 8, both references disclose the seal pocket, seal and yoke adapter, however, neither reference specifically refers to the seal as elastomeric. The examiner takes official notice that the use of elastomeric materials for seals is old and well known in the art for reasons that are old and well known in the art.

Re claim 10, neither reference discloses elastomeric seals between the face rings and flange portions. The examiner takes official notice that the use of elastomeric seals is old and well known in the art for reasons that are old and well known in the art.

10. Claims 1, 2, and 4-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combined teaching of Mayhew, Jr. ('407), Mayhew ('365), and Stillwagon (US Patent Number 2,942,841).

The Mayhew references either anticipate or render obvious the claims under the interpretations set forth above which allow the housing portions to be two portions of a single housing. However, neither reference has two distinct housing portions that are bolted together (i.e. use compressive fasteners urging the portions together). Stillwagon discloses using two separate housing portions and bolting them together. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have used the two separate housing portions and fasteners of Stillwagon with the device taught by the Mayhew references in order to greatly facilitate the assembly of the seat in position within the body as taught by Stillwagon.

***Allowable Subject Matter***

11. Claim 13 is allowed.

***Conclusion***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Grengs, King et al., McCutcheon et al., and Heinecke disclose similar gate valves.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Keasel whose telephone number is (571) 272-4929. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Mar can be reached on (571) 272-4906. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



12 SEP 2005

Eric Keasel  
Primary Examiner  
Art Unit 3754